

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12857 OF 2021

M/s. Su-Tantra Equipment Private Ltd.
Through its Director
Jakson Pol Farnandis

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Abhay M. Taksal and G. J. Pahilwan, Advocates for the Petitioner.
Mr. P. S. Patil, Addl. G. P for Respondent/State.
Mr. S. S. Dande, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 24th November, 2021.

PER COURT:-

. The learned counsel for the petitioner submits that the notice is issued on 20.10.2021 to the petitioner to remove the unauthorized construction within a period of seven (07) days or else the plot would be sealed, so also the electricity connection and water supply would be stopped. The learned counsel submits that the petitioner has already removed the construction which according to the respondents was unauthorized. The learned counsel submits that the said construction was in accordance with the Covid-19 norms. The learned counsel submits that even the petitioner has filed application under Section 44

of the Maharashtra Regional and Town Planning Act (hereinafter referred to as 'MRTP Act').

2. Mr. Dande, learned counsel appears for respondent Nos. 4 and 5 and submits that if the petitioner has removed the unauthorized part of the construction, then the same would be verified by the officers and if the application is given by the petitioner under Section 44 of the MRTP Act, the same would be considered by the authority on its own merits.

3. In view of that, the respondents/authorities may verify the factum of the petitioner having removed the unauthorized part of the construction, so also may take decision on application filed by the petitioner under Section 44 of the MRTP Act. The said decision shall be taken preferably within a period of three (03) months from today.

4. Till the decision is taken by the respondents, no coercive steps be taken against the petitioner. Depending upon the decision that would be taken the parties may take further steps.

5. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.